

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

KYLE D. MICHAUD )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 1:13-cv-270-JDL  
 )  
 NEXXLINX OF MAINE, INC. et al. )  
 )  
 Defendant. )

## ORDER

Defendants have moved to enforce the settlement agreement they contend was reached by the parties in March 2014. Defendants' Joint Motion for Enforcement of Settlement Agreement, ECF No. 43. Plaintiff opposes the motion asserting that he was "coerced" by his former attorney to accept the settlement and that the purported settlement was not sufficiently definite as to give rise to a binding agreement. Plaintiff has also filed his Objection to Magistrate Judge's Order, ECF No. 64, and an Amended Motion for Reconsideration of Court Order, ECF No. 66. Both of these motions relate to the court's order entered on May 21, 2014, denying Plaintiff's request for an *in camera* review of his affidavit and various documents attached to it.

An evidentiary hearing will be required in order for the court to act on the motion to enforce. Courts do not “summarily enforce a purported settlement agreement if there is a genuinely disputed question of material fact regarding the existence or the terms of that agreement.” *Malave v. Carney Hosp.*, 170 F.3d 217, 220 (1<sup>st</sup> Cir. 1999); *see also McGee v. Cartoon Newtork, Inc.*, 383 Fed. Appx. 12, 13 (1<sup>st</sup> Cir. 2010). Because there are such questions in this case, it is ORDERED that this matter is referred for an evidentiary hearing and recommend decision by a Magistrate Judge.

Plaintiff has filed a notice, ECF No. 70, in which he appears to concede that the Court properly denied his earlier request for *in camera* review. Accordingly, the Court finds that Plaintiff's Objection to Magistrate Judge's Order, ECF No. 64, and Amended Motion for Reconsideration of Court Order, ECF No. 66, are MOOT and the Amended Motion is ORDERED denied.

/s/ Jon D. Levy  
Jon D. Levy  
U.S. District Judge

Dated: June 18, 2014